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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,519	11/28/2003	James B. Badham	23306.00	7579

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EXAMINER

BELLINGER, JASON R

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/722,519	Applicant(s) BADHAM, JAMES B.	
	Examiner Jason R. Bellinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 1 is objected to because of the following informalities: It is believed that the phrase "integrated formed" should be replaced with the phrase --integrally formed-- in line 4 of the claim, for grammatical clarity. In line 12, the term "a" should be replaced with the term --the-- prior to the phrase "tire chains".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wethern in view of Dessery et al. Wethern shows an elastic tie-down strap formed of an elongated elastic member 1 having first and second ends with an integrally formed segment extending therebetween. The elongated elastic member 1 is substantially straight when relaxed. First and second hooks 3 are attached to the first and second ends, while a third hook is also attached to the segment extending between the first and second ends. These hooks 3 attach to three points on an inner circular portion of a tire chain **B**, the elastic member 1 bends and stretches to form a two-legged angle to exert tension forces on the three points to secure the tire chain **B** to a tire **A**.

Wethern does not show the hooks being snap hooks, which are self locking and of the carabineer type. Dessery et al teaches the use of a self-locking, carabineer style snap hook 19 used on a tie-down device for a tie chain. Therefore from this teaching, it

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would have been obvious to one of ordinary skill in the art at the time of the invention to provide the tie-down strap of Wethern with carabineer style self-locking snap hooks as a substitution of equivalent fastening means, in order to prevent unintentional removal of the tie-down strap from the tire chain during use.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wethern in view of Dessery et al as applied to claims 1 and 5-6 above, and further in view of Barden. Wethern as modified by Dessery et al does not show the elastic member being substantially flat with reinforced areas and formed of rubber.

Barden teaches the use of an elastic elongated member 10 used to secure a tire chain to a tire (see lines 40-42 and 45-48). The elastic elongated member is substantially flat, and constructed from rubber. The ends of the elongated member 10 including reinforced areas 17, which are substantially cylindrical.

Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the tie-down strap of Wethern as modified by Dessery et al with a rubber elastic elongated member, as a substitution of equivalent elastic elements, in order to increase the useful life of the tie-down strap, by reducing the number of parts susceptible to corrosion, and dependent upon cost and availability of materials.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wethern in view of Dessery et al as applied to claims 1 and 5-6 above, and further in view of

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Mertz. Wethern as modified by Dessery et al does not show at least two tie-down straps securing the tire chain to the tire.

Mertz teaches the use of a plurality of tire-down straps 6-9, which secure a tire chain to a tire 1. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Wethern as modified by Dessery et al with a second tie-down strap, generally diametrically opposed to the first, in order to provide sufficient tensioning force on the tire chain to retain the tire chain in proper position during use. This would reduce wear on the tire chain assembly and the tire.

Response to Arguments

6. Applicant's arguments with respect to claims 1-6 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Liao reference shows a tire chain having at least two tie-down straps attached thereto.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger
Examiner
Art Unit 3617



jrb



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